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COMMISSION ON HUMAN RIGHTS

Fifty-third session

SUMMARY RECORD OF THE 1st MEETING

Held at the Palais des Nations, Geneva,
on Monday, 10 March 1997, at 10.30 a.m.

Temporary Chairman: Mr. VERGNE SABOIA (Brazil)

Chairman: Mr. SOMOL (Czech Republic)

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The meeting was called to order at 11.10 a.m.

OPENING OF THE SESSION

1. The TEMPORARY CHAIRMAN declared open the fifty-third session of the Commission on Human Rights.

2. He said he would like to begin by paying a tribute to the five members of the Human Rights Field Operation in Rwanda assassinated in February 1997 during the exercise of their duties and to extend his sincere condolences to their families. In the name of the Commission, he strongly condemned that heinous crime.

3. At the invitation of the Temporary Chairman, the members of the Commission observed a minute of silence in memory of Mr. Graham Turnbull, Mr. Sastra Chim-Chan, Mr. Jean Bosco Munyaneza, Mr. Aimable Nsensiyumvu and Mr. Agripain Ngabo.

4. The TEMPORARY CHAIRMAN recalled that, during its fifty-second session, the Commission had spoken of the need to improve its working methods in order to promote dialogue, cooperation and consensus and to avoid excessive politicization. Although, despite all efforts, it had not been possible to reach a compromise on a new agenda, he hoped that the consultations held since then with the Friends of the Chair would lead to some progress, especially in reducing the number and length of resolutions. He stressed that the Charter of the United Nations and the various human rights instruments required all countries to encourage respect for human rights, and therefore to cooperate in earnest with the mechanisms and procedures established by the Commission.

5. Pursuant to the resolutions adopted at the fifty-second session, he announced the appointment of Mr. Rajsoomer Lallah as Special Rapporteur on the situation of human rights in Myanmar. After consultations with the different groups, he had also appointed the members of the Working Group on the Right to Development.

6. The current session marked the fiftieth anniversary of the Commission on Human Rights, which, through its role in promoting and protecting human rights and in supervision, assistance, cooperation and standard-setting activities, was recognized as the principal organ of the United Nations in the field of human rights. The Commisison had developed many mechanisms and procedures to consider issues and situations. But it could not accomplish its mission without adequate resources and staff. In that connection, he particularly commended the efforts of the High Commissioner for Human Rights, Mr. José Ayala Lasso, whose departure he regretted, to adapt the structure of the Centre for Human Rights to new needs and to obtain resources.

7. He thanked all delegations for their confidence and support.

MESSAGE FROM THE SECRETARY-GENERAL

8. Mr. AYALA LASSO (United Nations High Commissioner for Human Rights) read out a message to the Commission from the Secretary-General, Mr. Kofi Annan. The Secretary-General expressed his intention to be a champion of human rights

and to ensure that human rights were fully integrated into the action of the United Nations in all domains. Although the Commission on Human Rights still had many challenges to meet, much had been accomplished since 1948, when the noble principles enshrined in the Universal Declaration of Human Rights had become a point of reference for all future efforts in that area.

9. The end of the cold war, the World Conference on Human Rights and the creation of the post of High Commissioner for Human Rights had revitalized the human rights work of the United Nations. As a result, a growing alliance of efforts was taking hold within the United Nations system and among Governments, regional and national organizations and non-governmental organizations (NGOs) worldwide for the realization of basic rights and fundamental freedoms.

10. The human rights programme of the United Nations rested on very solid foundations as a result of the leadership of the first High Commissioner for Human Rights, Mr. José Ayala Lasso, who had not only given it new and more action-oriented directions - particularly in responding to emergencies and conducting preventive action in the field of human rights - but had also begun a reform process at the Centre for Human Rights. Those reforms, which the Secretary-General would be reflecting shortly in a new Organizational Manual, had already begun to bear fruit. They were among the important results already achieved which had permanently improved the ability of the United Nations human rights programme to carry out its mandated activities and to meet the expectations of all defenders of human rights.

11. As the fiftieth anniversary of the Universal Declaration of Human Rights approached, he called on all members of the Commission to renew their determination to give concrete meaning to human rights, thus contributing to the United Nations efforts towards the realization of the Charter's vision of social progress and better standards of life in larger freedom.

STATEMENT BY THE UNITED NATIONS HIGH COMMISSIONER FOR HUMAN RIGHTS

12. Mr. AYALA LASSO (United Nations High Commissioner for Human Rights) said it was not without regret that he would be leaving a post the creation of which had marked a new stage in the work of the United Nations to protect and promote human rights and had raised high hopes. In three years the post had been considerably strengthened, and the restructuring of the Centre for Human Rights, which had been given strong support by the Secretary-General of the United Nations and was nearing completion, was beginning to produce results. Considerable progress had been achieved in recent years in the field of human rights, which were receiving growing recognition from international organizations, States, national organizations and society at large as a vital basis for life in every nation, but also as an indispensable priority of the international community, for although States bore the primary responsibility for protecting them, human rights could not be considered a matter of internal competence alone.

13. From the beginning of his mission, he had endeavoured to establish an atmosphere of trust, which he deemed indispensable both to achieve universal political support, establish his authority and develop his capacity for action, using dialogue and cooperation wherever possible. He believed he had

attained his objective, by enabling the High Commissioner to confer with governmental authorities at the highest levels, which would facilitate the work of his successors. The main aspects of that work, in his view, were responding effectively to emergency situations; acting preventively to avoid human rights tragedies; cooperating with States to help them strengthen their national democratic institutions; giving priority to protection of the fundamental rights of particularly vulnerable groups such as women, children, indigenous populations and minorities; tirelessly combating discrimination and racism, which appeared to be resurgent everywhere, particularly in Europe; and promoting the achievement of the right to development. He noted in that connection that numerous United Nations Conferences had recognized economic, social and cultural rights, including the right to development, as indissociable from civil and political rights.

14. The pragmatic and universal approach he had just described were reflected in field activities, which were always conducted under a specific agreement with the State concerned, and were of two distinct types: promotion of human rights under technical assistance programmes and protection activities, which took the form of observation missions. The opening of offices in various countries and regions, in full cooperation with those concerned, had enabled the High Commissioner to work directly at the local level, even if that had not always been without risk, as attested by the recent martyrdom of the five members of the Human Rights Field Operation in Rwanda.

15. Experience gained not only in Rwanda but also in Burundi, Cambodia, Bosnia and Herzegovina, Croatia, the Federal Republic of Yugoslavia and Zaire showed that, if the success of such operations was to be guaranteed, it was essential to provide them with the means, especially the financial means, needed to function for a minimum of six months, in order that they might plan their activities better; the logistical aspects might be entrusted to a United Nations technical office; coordination among the various United Nations departments and bodies needed further improvement, and they must not compete with each other but concentrate on specific action and continue to plan coordinated actions with NGOs. In any event, if Member States decided to establish a field operation, they were inescapably bound to provide it with the means to fulfil its mandate.

16. The forthcoming opening of the first human rights office in the Western hemisphere, in Colombia, as a result of his policy of cooperation with that country since December 1995, showed what could be achieved when, on the one hand, a Government genuinely wished to correct mistakes and progress in the field of human rights, and, on the other, the international community was determined to support those objectives. The Bogotá office should help improve one of the most serious human rights situations on the continent.

17. The bulk of field activities were in the area of promotion. For that reason, priority in the last three years had been given to technical assistance, a particularly effective instrument with which the General Assembly had provided the High Commissioner. Thus, technical assistance activities had risen from 2 in 1989 to over 400 in 1996, and a

regional programme that took into account the experience gained in Gaza, Mongolia and especially Malawi was being prepared for southern Africa, in close cooperation with other United Nations bodies.

18. Technical assistance consisted principally of cooperating with the State concerned to help it develop its own capacity for promoting and protecting human rights by establishing the appropriate policies and institutions. With the help of a recognized international expert, therefore, his office had carried out a number of programmes establishing or strengthening, in all continents, but particularly Asia, national institutions such as Ombudsmen, People's Advocates and national commissions. Technical assistance had also made it possible to establish firm ties with other United Nations bodies. All those achievements reflected an increasingly constructive spirit and a decline in the antagonistic attitudes of the past, a trend he hoped would be confirmed.

19. To provide the Centre for Human Rights with the tools for attaining the objectives of the human rights programme, he had decided to restructure the Centre without delay. The Secretary-General himself encouraged that decision, since, as his message to the Commission indicated, he wanted the restructuring to be brought to a successful conclusion, confirmed the authority of the High Commissioner and acknowledged that extra economic resources would have to be sought in support of the human rights cause.

20. He was convinced that the irreversible reforms already achieved had made it possible to recast a new, modern and efficient institution. He also wished to make it clear that that result was also due to the experience and extraordinary powers of analysis of Mr. Ibrahima Fall, as well as the serious and selfless work performed by his staff in Geneva, New York, and other regions and countries where the Centre was present. He regretted the fact that some staff members, who precisely because of their efficiency had had to shoulder increasingly heavy workloads while also being affected by the general crisis in the United Nations, had met with a curious lack of understanding. Once the restructuring of the Centre was complete, work would begin on adapting the components of the human rights programme, which no longer matched current realities.

21. The Commission on Human Rights, which was the cornerstone of that programme, must continue to reform its methods and replace ritualism with efficiency if it was to meet the new challenges highlighted at the Vienna Conference. It should not expect spectacular results at the outset, but should act in the knowledge that reform would be easier and more viable when States or groups of States began to back up their arguments by setting an example themselves. On another point, human rights issues should never be politicized. It was a matter of priority for the High Commissioner, the Commission on Human Rights and the entire international community to combine and intensify their efforts to teach human rights, combat racism, racial discrimination and xenophobia, promote the rights of women, children and indigenous populations, etc., by strengthening the dialogue initiated at the Vienna Conference between the NGOs and his Office.

22. On the eve of the twenty-first century, with all the renewed hopes it brought, he would like to believe that mankind was moving in the direction of

greater humanism and deeper universal concern for people's welfare. The coming century would be the century of human rights, and the future of the United Nations, which represented world opinion, was closely linked to the progress that would be made in that area. For that reason, it was everyone's duty to build or strengthen mechanisms that would enable the United Nations to rise to the challenge. The High Commissioner had a crucial role to play and must be given the capacity to fulfil his indispensable duties properly. For three years he had devoted himself entirely and in all sincerity to that task, and had achieved at least a few of the objectives he had set himself. He would have liked to do still more, but as he returned to his country he was convinced that he had performed to the best of his ability. Back in his country, he would tirelessly continue the work he had begun in promoting and protecting human rights and fundamental freedoms. The huge and complex task that awaited the man or woman who would follow him was also a necessary and urgent one. He fervently hoped that the post of High Commissioner would become an inexhaustible source of hope for everyone who believed in justice and fought for human dignity. He called on the entire international human rights community, and in particular the Commission on Human Rights, to join forces to pursue and strengthen the work accomplished together.

23. He said he would like to take the opportunity to introduce to the Commission Mr. Ralph Zacklin, who would be in charge of the Office of the High Commissioner/Centre for Human Rights as from 15 March. Mr. Zacklin had been serving the United Nations for 24 years, and as assistant to the Legal Counsel had been the person principally responsible for the legal aspects of United Nations peacekeeping and good offices missions. He had taught international law, in particular at The Hague Academy of International Law, and would be bringing considerable knowledge and broad experience to the human rights programme in the current time of crisis. The Secretary-General unreservedly supported Mr. Zacklin and had explicitly asked him to continue all the activities undertaken by the Office of the High Commissioner/Centre for Human Rights, in particular the reform and restructuring process. Mr. Zacklin would certainly also be able to count on the cooperation of all the members of the Commission pending the appointment of a new High Commissioner for Human Rights.

24. He concluded by inviting the Commission to base its work on the paramount concept set forth in article 1 of the Universal Declaration of Human Rights:

> "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."

ELECTION OF OFFICERS (item 1 of the provisional agenda)

25. The TEMPORARY CHAIRMAN invited nominations for the office of Chairman.

26. Mrs. KOVALSKA (Ukraine), speaking on behalf of the Eastern European Group, nominated Mr. Somol (Czech Republic).

27. Mr. LINDGREN ALVES (Brazil), speaking on behalf of the Latin American and Caribbean Group, Mr. BAICHOU (Mauritius), speaking on behalf of the

African Group, Mr. HÖYNCK (Germany), speaking on behalf of the Western European and Others Group, and Mr. HAMIDON (Malaysia), speaking on behalf of the Asian Group, supported the nomination.

28. Mr. Somol (Czech Republic) was elected Chairman by acclamation.

29. Mr. Somol (Czech Republic) took the Chair.

30. The CHAIRMAN invited nominations for the three offices of Vice-Chairman.

31. Mr. MBA ALLO (Gabon), speaking on behalf of the African Group, nominated Mr. Zahran (Egypt).

32. Mr. HAMIDON (Malaysia), speaking on behalf of the Asian Group, nominated Mrs. Bautista (Philippines).

33. Mr. HÖYNCK (Germany), speaking on behalf of the Western European and Others Group, nominated Mr. Strohal (Austria).

34. Mrs. Bautista (Philippines), Mr. Strohal (Austria) and Mr. Zahran (Egypt) were elected Vice-Chairmen by acclamation.

35. The CHAIRMAN invited nominations for the office of Rapporteur.

36. Mr. VERGNE SABOIA (Brazil), speaking on behalf of the Latin American and Caribbean Group, nominated Mrs. Escobar López (El Salvador).

37. Mrs. Escobar López was elected Rapporteur by acclamation.

STATEMENT BY THE CHAIRMAN

38. The CHAIRMAN, after paying a tribute to his predecessors, in particular the outgoing Chairman, Mr. Vergne Saboia, for their work, said that he himself had not had lengthy experience in the field of human rights. Perhaps that might prove to be an advantage, enabling him to question certain practices of the Commission which no longer corresponded to the current situation and to put forward new ideas for rationalizing its work.

39. In recent years there had been enormous political changes throughout the world, in both a positive and negative sense. Some very positive changes had taken place at the beginning of the 1990s, inter alia, in the Czech Republic. All those events had influenced the field of human rights, but the political climate was still not completely favourable to the protection and promotion of human rights throughout the world.

40. Because of the different legal, political, economic and social conditions in individual countries, there were differing approaches to the protection and promotion of human rights and fundamental freedoms and the fulfilment of obligations under the international instruments. Looking for a common minimum standard of human rights acceptable to all countries, the international community had, since 1945, been elaborating a complex network of international conventions and treaties. It was for the Commission on Human Rights to evaluate the way in which States met their international obligations

and encourage States to respect them. In his view, the role of the Commission was not simply to criticize shortcomings, but also to stimulate efforts to improve the human rights situation throughout the world, and to offer international assistance in that field to countries that were willing to cooperate with the international community. The role of the High Commissioner and the Centre for Human Rights continued to be essential.

41. Concerning methods of work, the question of politicization of the Commission's work frequently arose. It was obvious, however, that the Commission could not completely cut itself off from the international political situation. It could only do its best to avoid highlighting the political aspect of the issues considered, and attempt to keep to real situations and substantive arguments and to understand its partners' positions. It must accept the fact that the situation of human rights in many countries was influenced by factors which would not disappear immediately, yet not accept those factors as excuses for a policy of disregard for or neglect of human rights.

42. In resolution 50/227, the General Assembly had requested the Economic and Social Council to rationalize its work and that of its subsidiary bodies. The new Secretary-General, Mr. Kofi Annan, was sparing no effort to make the United Nations stronger and more dynamic as the twenty-first century approached, and it was important for everyone to contribute actively to that goal. It was his intention to participate in that process and tackle once again some sensitive issues discussed during past sessions or in informal consultations.

43. The fifty-third session was taking place in the year of the fiftieth anniversary of the Commission, and one item of the agenda concerned the preparations for the celebration of the fiftieth anniversary of the Universal Declaration of Human Rights. He hoped those events would lead to concrete results rather than just speeches. The Vienna Declaration and Programme of Action provided the Commission with a good basis for its work.

44. He promised to work very closely with the Bureau, regional coordinators, interested Government representatives and NGOs. As the Commission had a very heavy agenda, he invited members, representatives of NGOs and all participants to be punctual, not to exceed their allotted speaking time and to make every effort to avoid wasting time, which would result in a better use of the financial resources of the United Nations.

ADOPTION OF THE AGENDA (item 2 of the provisional agenda) (E/CN.4/1997/1 and Corr.1, E/CN.4/1997/1/Add.1 and Corr.1)

45. The CHAIRMAN drew attention to the provisional agenda (E/CN.4/1997/1) prepared by the Secretary-General pursuant to rule 5 of the rules of procedure, and invited any delegations that had comments to communicate them to one of the members of the Bureau; the Bureau would consider all such comments at its first meeting.

The meeting rose at 12.35 p.m.